

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15127 of Richard Brilliantine, pursuant to 11 DCMF 3107.2, for a variance from the minimum lot width and area requirements (Sub-section 401.3), a variance from the side yard requirements (Sub-section 405.9), and a variance from the off-street parking requirements (Sub-section 2101.1) for the proposed subdivision and construction of two semi-detached and one detached dwellings in an R-2 District at premises 5501-5505 Hunt Place, N.E., (Square 5204, Lots 13, 14 and 15).

HEARING DATE: September 26, 1989
DECISION DATE: October 4, November 1 and December 6, 1989

FINDINGS OF FACT:

1. The property is located on the southeastern corner of the intersection of Jay Street and Hunt Place and is known as premises 5501 - 5505 Hunt Place, N.E. It is zoned R-2.

2. The property is rectangular in shape with a frontage of 91 feet along Hunt Place and 90.80 feet along Jay Street. Jay Street is an unimproved right-of-way which dead ends approximately 90 feet southeast of Hunt Place.

3. The subject property is currently unimproved and contains three lots with a total land area of approximately 8,262 square feet. There is no alley access to the rear of the subject property.

4. The area surrounding the site is developed with a combination of single family detached, semi-detached and row dwellings with garden apartments in the R-5-A District. A church is located in the vicinity of the site at the intersection of Hunt Place and Eastern Avenue, N.E.

5. The R-2 District requires a minimum lot area of 3,000 square feet, with a minimum lot width of thirty feet for a semi detached dwelling and a minimum lot area of 4,000 square feet with a minimum lot width of forty feet for all other structures. The minimum side yard requirement in the R-2 District is eight feet. One on-site parking space per dwelling is required.

of on-site parking at the rear of the property. There is unrestricted parking on Hunt Place. The applicant testified that relocating the structures on site to allow parking in the front yard would reduce the size of the existing spacious rear yards, would not be aesthetically pleasing, and would eliminate available on-street parking through the construction of curb cuts onto Hunt Place.

14. The Office of Planning (OP), by memorandum dated September 19, 1989, recommended that the application be approved. The OP was of the opinion that the requested variances are prompted by the location and size of the property. The OP was further of the opinion that the project is comparable with development in the area and that the project is not likely to have an adverse impact on the surrounding area.

15. Advisory Neighborhood Commission (ANC) 7C, by letter dated September 18, 1989 and by representative at the public hearing, opposed the granting of the application. The ANC's opposition was generally based on the following:

- a. A variance to reduce the size of the houses would alter the quality of life for the average family due to small room sizes and lack of play areas for children.
- b. The elimination of on-site parking will increase demand for on-street parking in an already congested area due to the existence of dwellings with no on-site parking and overflow parking from the nearby church.

16. In addressing the issues and concerns expressed by the ANC, the Board finds that it is convinced by the applicant's arguments that the project is appropriate for the area and that the requested variance relief is justified. The Board further finds that the provision of parking in front of the dwellings is inappropriate and would also adversely affect the area by eliminating available on-street parking. The Board notes that the area variances sought relate directly to the size of the lots and do not necessarily affect the size of the proposed dwellings.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions.


The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan. The Board concludes that the applicant has met the burden of proof. The matter-of-right use of the site for two single-family or semi-detached structures would not be a practical development of the site. The existing building restriction lines further constrict the buildable area of the site. Parking cannot be provided at the rear of the sites as there is no alley access to the lots at the rear. The Board concludes that parking at the front of the structures would be inappropriate and result in an undesirable appearance.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is hereby ORDERED that the application is GRANTED subject to the subdivision and construction to be as shown on the plat and plans marked as Exhibits No. 11B and C of the record.

VOTE: 4-0 (William Ensign, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

APR 17 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

15127order/BHS19 THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15127order/BHS19

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15127

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated APR 17 1960, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Richard Brilliantine
7120 Towles Mill Road
Spotsylvania County, VA 22553

Magnus R. Blanchette
3800 Nash Street, S.E.
Washington, D.C. 20020

Eva M. Jones, Chairperson
Advisory Neighborhood Commission 7-C
4651 N. H. Burroughs Avenue, N.E.
Suite 2
Washington, D. C. 20019

A handwritten signature in dark ink, appearing to read "E. L. Curry", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: APR 17 1960